

## Questions and Answers About The Proposal to Reclassify/Delist the Gray Wolf

### 1) What is the U.S. Fish and Wildlife Service proposing to do?

The U.S. Fish and Wildlife Service (Service) is proposing to change the classification of the gray wolf under the Endangered Species Act (Act). Increases in gray wolf numbers, expansion of the species' occupied range, and progress toward achieving the reclassification and delisting criteria of several approved gray wolf recovery plans show that the species' current classification is no longer appropriate throughout most of its range.

Because wolves or sufficient wolf habitat occur in four distinct areas of the conterminous states, the Service is proposing to establish four distinct population segments (DPSs) for the gray wolf in the United States and Mexico. Gray wolves in three of the distinct populations (the Western Great Lakes, the Western, and the Northeastern) will be reclassified from endangered to threatened, except where already classified as an experimental population or as threatened. Gray wolves in the Southwestern Distinct Population will retain their endangered status. All three existing gray wolf experimental population designations will be retained. In all other areas in the Lower 48 States, gray wolves will be removed from the protections of the Endangered Species Act. The Service is also proposing to establish three new special section 4(d) rules for wolves in the Northeastern, Western Great Lakes and a portion of the Western distinct populations.

### 2) What is a Distinct Population Segment?

In addition to the listing and delisting of species and subspecies, the Act allows the listing/delisting of distinct population segments of vertebrate species (that is, animals with backbones: mammals, birds, fish, reptiles, and amphibians). A distinct population segment is a portion of a species' or subspecies' population or range. The distinct population segment is generally described geographically instead of biologically, such as "all members of XYZ species that occur north of 40° north latitude."

The Service's proposal to reclassify/delist the gray wolf recommends establishing four gray wolf distinct population segments in the Lower 48 States. The Western Great Lakes Gray Wolf Distinct Population Segment includes gray wolves in North Dakota, South Dakota, Minnesota, Wisconsin, and Michigan. The Northeastern Gray Wolf Distinct Population Segment includes wolves that may occur in New Hampshire, New York, Vermont, and Maine. The Western Gray Wolf Distinct Population Segment includes wolves in the states of Washington, Oregon, Idaho, Utah, Montana, Wyoming, Colorado, northern Arizona, and northern New Mexico. The Southwestern Gray Wolf Distinct Population Segment includes gray wolves in southern Arizona, southern New Mexico, west Texas, and Mexico.

The use of distinct population segments has advantages for the protection and conservation of gray wolves because the Service can customize application of the Act across the species' range. We are proposing to reclassify (from endangered to threatened) the distinct population

segments of gray wolves that have improving populations or where needed to facilitate restoration efforts, while retaining “endangered” status for the Southwest distinct population. By doing this we remove or reduce the Act’s protections from part of the wolf’s range where it is justified while keeping full Endangered Species Act protection for the Southwest Distinct Population Segment which has not yet experienced recovery.

The Service’s policy for designating distinct population segments is sometimes called the Vertebrate Population Policy. This policy contains the criteria that must be met for a portion of a species’ population to be designated as a distinct population segment. Those criteria include the requirements that a distinct population segment must be discrete and significant. This policy was published in the Federal Register (61 FR 4722-4725; February 7, 1996) and can be found on the Web at: <http://www.fws.gov/r9endspp/pol005.html>.

### **3) What is a 4(d) Rule?**

Section 4(d) of the Act allows the Service to establish special regulations for threatened (not endangered) species, subspecies, and Distinct Population Segments. The Act specifies that 4(d) rules must be “necessary and advisable to provide for the conservation of such species.”

One use of 4(d) rules is to relax the normal Endangered Species Act restrictions to reduce conflicts between people and the protections provided to threatened species. A 4(d) rule can be used in such a situation if those conflicts would adversely affect recovery and if the reduced protection will not slow species’ recovery. This type of 4(d) rule already is in effect for gray wolves in Minnesota. Under authority of a 4(d) rule, Minnesota wolves that have preyed on domestic animals can be trapped and killed by designated government agents. (For more details on this example of a section 4(d) special rule refer to Title 50 Code of Federal Regulations 17.40(d).)

The Service is proposing three new special rules under section 4(d) for the Northeastern, Western Great Lakes, and Western gray wolf distinct populations. The intent of these special rules is to minimize conflicts between wolves and humans and thus improve the chances for gray wolf recovery.

### **4) What is an Experimental Population?**

Re-establishing a threatened or endangered species in areas of its former range is often necessary for recovery. However, residents and businesses frequently oppose such reintroductions because they fear the presence of the species will also bring severe restrictions on the use of private and public land in the area. To overcome this serious obstacle to species reintroductions, Congress added the concept of experimental populations to the Act. Experimental population designations are sometimes referred to as section 10(j) rules.

An experimental population is a geographically described group of reintroduced plants or animals that is isolated from other existing populations of the species. Members of the experimental population are considered to be threatened under the Act, and thus, can have special regulations written for them under section 4(d). In addition, if the experimental population is determined to be “nonessential” to the survival of the species, for some activities the experimental population is treated like a species that is proposed for listing as threatened

or endangered. In other words, the nonessential experimental population is not given the full protections of the Endangered Species Act.

Three non-essential, experimental populations of wolves currently exist: (1) the Yellowstone Management Area (in Wyoming and portions of Idaho and Montana), (2) the Central Idaho Area (in portions of Idaho and Montana) and, (3) the Mexican Wolf Experimental Population Area (in Arizona, New Mexico, and Texas). The Service does not propose to change the status of any of these experimental populations.

#### **5) What changes are proposed for wolves in the Western Great Lakes Distinct Population Segment?**

This distinct population includes gray wolves in North Dakota, South Dakota, Minnesota, Wisconsin, and Michigan. Gray wolves throughout this region are currently listed as endangered, except for those in Minnesota which are listed as threatened, a less critical designation. In these states, gray wolves which are currently listed as endangered would be reclassified to threatened. The development of a section 4(d) special rule would allow for increased management flexibility of wolves in North Dakota, South Dakota, Michigan, and Wisconsin. This special rule would allow designated Federal, State, and Tribal agents to kill wolves that have preyed on domestic animals. Wolves in Minnesota would retain their current status of threatened, and the existing 4(d) rule would remain in effect.

#### **6) What changes are proposed for wolves in the Western Distinct Population Segment?**

This distinct population includes wolves in Washington, Oregon, Idaho, Utah, Montana, Wyoming, Colorado, northern Arizona, and northern New Mexico. The Service's proposal would give naturally occurring gray wolves in this region, including those in northwestern Montana and wolves thought to inhabit the state of Washington, the designation of threatened. A section 4(d) special rule would also increase management flexibility in dealing with wolf-human conflicts. Wolves reintroduced in Yellowstone National Park and central Idaho would retain their current nonessential, experimental population status, and would remain subject to the existing, somewhat less flexible, special rules for those wolves.

#### **7) Why is the Service delisting wolves in states where there are no wolves?**

The Service is proposing to delist wolves in several states in the eastern U.S. and California and Nevada. Although much of this area is part of historical wolf range, loss of suitable wolf habitat and potential conflicts with people make it highly unlikely that wolf recovery in those areas would be successful. The Service believes that restoration of gray wolf populations in other areas will sufficiently recover the gray wolf to the point that the species will no longer qualify as either a threatened or endangered species within the definitions of the Act.

#### **8) Why is the Service reclassifying and not delisting the wolf in Minnesota, Wisconsin and Michigan even though the recovery criteria have been met?**

With wolf populations of about 250 and 216 in Wisconsin and Michigan (excluding Isle Royale), respectively, it is clear that those states have both surpassed the numerical reclassification criterion contained in the 1992 Recovery Plan of 80 wolves for three years. They have also surpassed the numerical delisting criterion of 100 wolves for five consecutive winters. In

addition, the estimated 2,500 wolves in Minnesota surpass the 1,251 to 1,400 wolves envisioned by the Service's recovery plan for a fully recovered Minnesota wolf population. Unfortunately, due to the lack of a State wolf management plan, at this time there is no clear direction for future wolf management and protection in Minnesota. With no assurance of future management for a viable wolf population in Minnesota, the Service decided not to propose to delist gray wolves in the Western Great Lakes Distinct Population Segment.

Instead of delisting, we are proposing to reclassify to "threatened" status all "endangered" wolves within the Western Great Lakes Distinct Population Segment. Reclassification recognizes the improved status of this distinct population of wolves, provides us with the opportunity to allow lethal control of depredating wolves with a 4(d) special rule, and yet retains Federal protection until delisting is appropriate. If, in the future, we are better able to analyze future threats to gray wolves in Minnesota, and we are able to demonstrate that their future survival is assured, then we can initiate a separate proposal to delist gray wolves in the Western Great Lakes Distinct Population Segment.

Gray wolves that sometimes appear in North and South Dakota are included in the Western Great Lakes Distinct Population Segment, because they are believed to be part of the Minnesota-Wisconsin-Michigan gray wolf population and are isolated from the Montana, Idaho, and Wyoming gray wolf populations.

#### **9) Why is the Service proposing to reclassify wolves in the Northeast to threatened if there is no conclusive evidence that there are any wolves there?**

The existence of large areas of potentially suitable wolf habitat and prey resources in northern New York and New England, the possibility that wild wolves may exist in remote areas of Maine, and the presence of wolf populations in neighboring areas of eastern Canada indicate a potential for wolf recovery in this area. Therefore, the Service has proposed to reclassify gray wolves in the Northeastern Distinct Population Segment from endangered to threatened to maintain Federal protection while allowing the development of a special rule under section 4(d) of the Act.

The proposed 4(d) special rule is intended to promote the restoration and recovery of wolves to one or more states within the Northeastern Distinct Population Segment by providing interested states and tribes with the authority to assume the lead role in carrying out protection, management, and recovery actions for the species. This flexibility will make it easier for states and tribes to control and remove problem wolves and will reduce opposition to wolf restoration in areas where they have been absent for many decades. Because human-caused wolf mortality is the main threat to wolf populations worldwide, reducing this threat should increase the likelihood of wolf recovery in the Northeast.

#### **10) How will this proposal affect the Mexican gray wolf?**

Recovery of the Southwestern (Mexican) gray wolf distinct population is in its very early stages, so the Service is not proposing to change its "endangered" status. Wolves within the existing non-essential experimental population area would retain that designation.

**11) Will the red wolf be affected by this proposal?**

The red wolf, found in the southeastern United States, is a different species from the gray wolf and would not be affected by this proposal.

**12) Will the wolves in Alaska be affected by this proposal?**

Wolves in Alaska were never listed under the Endangered Species Act and, therefore, will not be affected by this proposal.

**13) When will a final decision on the proposal be made?**

A final decision will be made no later than one year following the publication of the proposed rule.

**14) How can I comment on the proposal?**

The Service is actively seeking information from the public on its proposal to delist and reclassify gray wolves. Specifically, the Service is interested in information on: future threats to wolf populations in the Lower 48 States and Mexico; the use of special rules to manage gray wolf populations; wolf monitoring methods; and other factors the Service should consider prior to making its final decision.

Comments from interested parties will be considered by the Service if received by November 13, 2000.

Send comments to:

Content Analysis Enterprise Team  
Wolf Comments  
200 East Broadway  
PO Box 7669, Room 301  
Missoula, Montana 59807

or send e-mail to:

GRAYWOLFCOMMENTS@FWS.GOV

or fax comments to:

406-329-3021

**15) How do I get more information?**

Informal information meetings are planned across the country to provide details and answer questions on the Service's proposal. In addition, formal public hearings will also be held to receive verbal comments; additional hearings may be requested (deadline for receiving requests is August 28, 2000). The locations, dates, and times of informational meetings and hearings can be obtained by visiting the Service's Web site or by contacting us by phone or email as described below.

The U.S. Fish and Wildlife Service posts information about gray wolf populations on the Internet at <http://midwest.fws.gov/wolf>. Individuals or groups wishing to be placed on the

Service's mailing list to obtain updates on the wolf's status can write:

U.S. Fish and Wildlife Service

Gray Wolf Review

1 Federal Drive

Fort Snelling, MN 55111-4056

or use the [GRAYWOLFMAIL@FWS.GOV](mailto:GRAYWOLFMAIL@FWS.GOV) address or call the Service's Gray Wolf Information Line at 612-713-7337.

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